

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, JUNE 19, 2001

Chair Parsons called the meeting to order at 7:02 p.m. at the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Parsons, Mathewson, Wiecha, Gibson, Petersen, Purcell (arrived at 7:10 p.m.), Torre (arrived at 7:20 p.m.)

Present, Staff: Community Development Director Ewing, Principal Planner de Melo, City Attorney Savaree, Recording Secretary Flores

AGENDA STUDY SESSION

C Wiecha inquired as to the status on the geotechnical report on 2927 San Juan Boulevard. PP de Melo responded that Cotton and Shires expect to know by the end of the week if they will approve the Romig Engineers report.

C Petersen asked staff when the Commission will be able to discuss the 3-foot height limitation on front yard fences with the City Council. More and more residents are telling her that the traffic noise on 6th Street is so annoying that they want to install fences to mitigate some of the traffic noise. CDD Ewing replied that the Planning Commission can initiate zoning changes on its own; there is no date set for the next City Council/Planning Commission joint meeting.

AGENDA AMENDMENTS: None

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR: None

Commissioner Purcell arrived at 7:10 p.m.

PUBLIC HEARINGS:

Public Hearing – 2927 San Juan Boulevard: To consider a Single-family Design Review, Grading Plan and Tree Removal Permit to construct a new two-bedroom 1,200 square foot single-family house in a zoning district that permits a maximum floor area of 1,200 square feet. (Appl. No. 00-1068); APN: 043-202-030; Zoned: HRO-2 (Subdivided Hillside Residential Open Space); CEQA Status: Exempt; Jerry Chapman (Applicant); Alice Chapman (Owner)

It was agreed that this item should be continued to a date uncertain, pending review of the supplemental geotechnical report by Cotton and Shires. If the report is approved, the item will be scheduled for the July 3, 2001 meeting, and will be re-noticed.

MOTION: By C Wiecha, seconded by C Mathewson, to continue this item to a date uncertain.

Ayes: Wiecha, Gibson, Mathewson, Purcell, Petersen, Parsons Absent: Torre

Public Hearing - 1714 Notre Dame: To consider a Floor Area Exception and Design Review to construct a second and third story addition of approximately 522 sq. ft. to an existing two-story, 3,847 sq. ft. home. The proposed total floor area would be 4,369 sq. ft. where the maximum permitted is 3,500 sq. ft. This item was continued from the Planning Commission meeting of August 15, 2001 (Appl. No. 00-1048); APN: 044-124-140; Zoned: R-1B; CEQA: Categorical Exemption, Section 15303, Class 3(c); Michael and Bertha Dae (Applicant/Owner)

PP de Melo summarized the staff report and stated that he believes findings can be made to approve the requested FAR and the Single-Family Design Review applications.

Michael Dae, applicant/owner, made a brief presentation.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By C Purcell, seconded by C Gibson, to close the Public Hearing.

Motion passed.

C Torre arrived at 7:20 p.m.

The Commissioners' concerns primarily concentrated on the overall question of the problems associated with Floor Area exception regulations.

MOTION: By C Petersen, seconded by C Torre, to adopt the Resolution approving a Floor Area Exception and Single-family Design Review at 1714 Notre Dame Avenue, with the conditions as attached to the Resolution.

Ayes: Wiecha, Gibson, Purcell, Torre, Petersen, Parsons

Noes: Mathewson

Chair Parsons announced that this item can be appealed to the City Council within ten days.

Public Hearing – 550 Island Parkway: To consider a Conditional Use Permit to modify a Detailed Development Plan and Design Review to allow construction of a 231 square foot storage building at the Belmont Sports Complex; (Appl. No. 01-0059); APN: 040-360-390; Zoned: PD (Planned Unit Development); CEQA Status: Exempt; Jim Valenti (Applicant); City of Belmont (Owner)

PP de Melo summarized the staff report. Responding to C Purcell's question regarding potential vandalism, he stated that there is an anti-graffiti paint that can be power washed to remove any graffiti, and that he does not believe a decision has been made whether or not to have a mural painted on the facility.

Jim Valenti, architect for the project, stated that the split-face block was chosen to match the existing buildings on the site.

Chair Parsons opened the public hearing. No one came forward to speak

MOTION: By C Torre, seconded by C Petersen, to close the public hearing.

Motion passed.

MOTION: By C Mathewson, seconded by C Wiecha, to the adopt Resolution approving a Conditional Use Permit to amend a Detailed Development Plan and Design Review for the Belmont Sports Complex at 550 Island Parkway, with all of the conditions attached thereto.

Ayes: Wiecha, Gibson, Purcell, Torre, Petersen, Mathewson, Parsons

Chair Parsons announced that this item can be appealed to the City Council within ten days.

Public Hearing – 2718 Barclay Way: To consider a Single-Family Design Review and Tree Removal Permit to construct a new 2,392 sq. ft. single-family residence where a maximum of 2,400 sq. ft. is allowed. (Appl. No. PA2001-0022); APN: 043-172-050; Zoned: HRO-2; CEQA: Categorical Exemption, Section 15303, Class 3(c); Brian Wong (Applicant/Owner)

PP de Melo summarized the staff report, recommending approval.

Discussion focused on the title to the conservation easement shown on the current Assessor's Parcel Map on the property. CDD Ewing stated that City Council needs to determine whether it wants to receive title or merely a conservation easement, and noted that the issue is unrelated to the house in question. Responding to C Wiecha's question, CA Savaree stated that an open space easement would be recorded on the property, with no development potential in perpetuity. CDD Ewing added that the City would be responsible for enforcing the open space easement but the underlying liability belongs to the titleholder. How the conservation easement is used would be a function of how the easement is written.

PP de Melo clarified for C Purcell that two of the six oak trees on the site are unprotected, and a total of five trees will be removed.

C Gibson stated that he would like to see the Geotechnical Investigation Report dated March 19, 1997 referred to in the staff report, and Chair Parsons noted that he had discussed the need to replace a retaining wall with a neighbor.

C Torre stated that she would prefer to see the Planning Division's Condition of Project Approval #2 changed to read "either the Assessor's Parcel Number shall be deeded to the City or a conservation easement shall be applied to the property as the City Council directs." She asked that staff consider asking that, if the City Council moves toward a system of having a conservation use easement rather than taking title, Council require some sort of escrow funds for maintenance of the property. She also asked that the last sentence of condition #2 under the Public Works Department Other Comments section of the Conditions of Approval be clarified, and asked if there is any issue with what they have placed within the public right of way not being in compliance with City ordinance. PP de Melo later noted that the sentence in question should read "Consult with the Department of Public Works regarding the required public benefit *for construction of public sidewalk/parking strip along Barclay Way connecting on each end to existing improvements,*" and that the question of the level of improvements within the public right-of-way would have to be taken up with the Public Works Department. CDD Ewing added that the zoning ordinance does not apply in the street right-of-way and that the Commission's authority ends at the property line. The project should be evaluated without regard to what is proposed in the street because the Commission nor the Planning staff have any authority over what happens in the street right-of-way. The encroachment permit process may trigger staff review or Council review but not zoning or Planning Commission review.

Responding to C Purcell's question, PP de Melo stated that the San Juan Hills Specific Plan and zoning ordinance speak to two types of floor area transfers – 900 square feet for properties that are directly contiguous to a property and 1200 square feet for properties that are not contiguous.

Brian Wong, applicant/owner, stated that they have complied with the Planning and Public Works requirements. They have also met with the adjacent neighbors to discuss the issues of the retaining walls, and he believes that the neighbors support the project.

William Wong, designer/engineer, stated that the current retaining wall is on the neighbor's property, and they have agreed that during the permit process for the construction plan they will build a new 3-4' retaining wall on the property line. Regarding the conservation easement on the property, the applicant would prefer to deed the property to the City.

C Wiecha asked for confirmation of any ordinance regarding a height limit for retaining walls within a certain distance of property lines. CDD Ewing responded that the zoning code identifies that walls in any yard are permitted up to 6 feet except in front yards near street intersections. The code does not make a distinction between retaining walls and privacy walls so he concludes that the maximum height of a retaining wall is 6' in any yard.

Chair Parsons opened the public hearing.

Eric Hoover, co-owner at 2720 Barclay Way, addressed the Commission, and thanked the Wongs for the time they spent going over their project with him. He commented on three issues: 1) he felt that the front elevation fence would need to be reduced to three feet to avoid safety concerns in terms of visibility to the street from his driveway; 2) from a view and visibility standpoint, he would prefer that the rear of house be even with the back of his house; and 3), regarding the set of stairs that are currently on the Wong's property, he wanted to note for the record that landscape plans for that area could inhibit access to his side yard.

MOTION: By C Purcell, seconded by C Mathewson, to close the public hearing.

Motion passed.

MOTION: By C Purcell, seconded by C Gibson, to deny the Single-Family Design Review and Tree Removal Permit for 2718 Barclay Way, based on the inability to make the findings in Criteria B.

Ayes: Gibson, Purcell, Petersen,

Noes: Wiecha, Torre, Mathewson, Parsons

MOTION: By C Torre, seconded by C Wiecha, to adopt the Resolution approving a Single-Family Design Review and Tree Removal Permit at 2718 Barclay Way, with conditions to be amended as follows:

Add a Planning Division condition that states that "The Geotechnical Investigation Report prepared for the site by Earth Investigations Consultants dated March 19, 1997 shall be reviewed and approved by the City's Geotechnical Consultant, Cotton & Shires, prior to the issuance of building permits."

2) Change wording of the Planning Division Condition 2 to state that, "prior to issuance of building permits, the 'sending lot' associated with APN 043-162-850 shall be either deeded to the City or have an open space easement recorded in perpetuity in favor of the City."

3) At the bottom of Page 2 of the Conditions of Approval, Item 2 under Public Works Department Other Comments shall read "prior to the issuance of building permits, plans for all improvements in the City right-of-way shall be submitted for review to the Public Works Department. Encroachment permits shall be obtained prior to initiating any work in the public right-of-way".

4) The first sentence of Criterion D on the second page of the proposed resolution shall read "The project involves minimal grading." The rest of that sentence would be eliminated; and

5) Under Conditions of Approval, Other Comments on the third page, Item 2 shall read "Enter into and record a Deferred Improvement Agreement obligating the property owner to construct San Ardo Way along lot frontage when noticed to do so by the City in the future."

Ayes: Wiecha, Purcell, Torre, Petersen, Parsons

Noes: Gibson, Mathewson

Chair Parsons announced that this item can be appealed to the City Council within ten days.

ADDITION TO ITEM 7C, 550 ISLAND PARKWAY

Mr. David Lawrence, 569 Cambridge Street and President of the Belmont/Redwood Shores Little League, apologized for not being present when the project was presented, and thanked the Commission for approving the project.

Chair Parsons declared a 5-minute recess. 8:05 PM. Resumed 8:11 PM.

Public Hearing - 1261 Furlong Street: To consider a Single-Family Design Review application to remodel the existing 1,832 square foot residence. The proposed remodel will add 280 square feet to the first floor and add a new 705 square foot second story. Total proposed floor area is 2,825 square feet, where the maximum permitted is 2,847 square feet. (Appl. No. 01-0065); APN: 040-335-170; CEQA Status: Exempt; Mark Stillwell (Applicant); Jorge and Donna Costa (Owners)

C Purcell recused herself from discussion of this item as she lives within 300' of the subject property.

PP de Melo summarized the staff report and recommended approval.

Mark Stillwell, designer of the project, addressed the Commission, stating that he feels all of staff's requirements have been met.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By C Mathewson, seconded by C Wiecha, to close the Public Hearing.

Motion passed.

Chair Parsons noted that an E-mail had been received from the resident to the east of the subject property stating that the second floor would block her view and would be incompatible with other properties. Chair Parsons did not feel that the impact would be significant.

MOTION: By C Torre, seconded by C Wiecha, to approve the Resolution for a Single-Family Design Review at 1261 Furlong Street, with conditions as stated in the Resolution.

Ayes: Wiecha, Gibson, Torre, Petersen, Mathewson, Parsons

Recused: Purcell

Chair Parsons announced that this item can be appealed to the City Council within ten days.

Public Hearing – Amendment to Zoning Ordinance: To consider an amendment to the Belmont Zoning Ordinance regarding the establishment of 'library' as a use in the Agriculture and Open Space (A) Zone. The amendment will consider adding said use as permitted by right or as conditionally permitted; CEQA Status: Negative Declaration; City of Belmont (Applicant)

CDD Ewing summarized the staff report, recommending adoption of a resolution recommending that City Council add libraries to the list of permitted uses in the Agricultural (A) Zone

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By C Mathewson, seconded by C Purcell, to close the Public Hearing.

Motion passed.

MOTION: By C Mathewson, seconded by C Purcell, to adopt the Resolution recommending to the City Council an amendment to the zoning ordinance to add libraries to the list of permitted uses in the Agricultural (A) Zone.

Ayes: Wiecha, Gibson, Purcell, Torre, Petersen, Mathewson, Parsons

Chair Parsons announced that this item can be appealed to the City Council within ten days.

REPORTS, STUDIES, UPDATES, AND COMMENTS

CDD Ewing took a poll of the Commissioners to determine their satisfaction with the chairs they are currently using. No one expressed dissatisfaction with the chairs.

C Wiecha stated that she will be available to attend the June 26, 2001 City Council meeting.

Responding to C Torre's concerns about the issue of 6000 sq. ft. lots being built up, it was agreed that this topic should be agendaized for the next meeting.

Chair Parsons also asked that they hold a discussion regarding Floor Area Exemptions trumping the 3,500 square feet limit and requested a memo from staff regarding how exceptions are reviewed.

C Purcell stated that she feels everyone on the Planning Commission should be on the committee to revise the General Plan.

Responding to concerns from the Commission, CDD Ewing agreed to prepare a memorandum from staff clarifying the codes on fences in front yards and retaining walls in yard areas, including verifying how the plan check staff is interpreting these codes to applicants.

CDD Ewing asked the Commission to keep Recording Secretary Flores informed of any changes in vacation plans for the summer months; she will prepare a breakdown of currently scheduled absences so that everyone will be aware of potential problems with relation to having a quorum at each meeting.

CDD gave an update on the recommendation of the Block 4 Task Force to the Redevelopment Agency, which was to reject the two proposals that were received last year. That recommendation for rejection was forwarded to the Council, along with the recommendation that the Task Force come up with new development parameters for Block 4. C Purcell added that the original recommendations for either of those two specific plans from the Task Force were not two proposals but two suggested directions, since at no time did they have consensus on the Task Force for either of those two specific plans. C Wiecha expressed her feelings that it is important that the City move forward with this project and wonders what process will be put in place to ensure that the next Task Force gets it right. CDD Ewing stated that his plan is to make sure that the Task Force is reporting at regular milestones back to the Agency to assure that they are on track with the Agency, and described how he envisions that the process should go forward.

ADJOURNMENT:

The meeting adjourned at 9:40 p.m. to a regular meeting on July 3, 2001 at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP

Planning Commission Secretary

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in the Community Development Department.*

Please call (650) 595-7416 to schedule an appointment